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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3591.20(a) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Eradication Area as an emergency action that was effective on February 8, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than August 8, 2008.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before April 28, 2008.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any

portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The amendment of subsection 3591.20(a) established Santa Barbara County as an eradication area for the light brown apple moth, *Epiphyas postvittana*. The effect of these actions was to establish authority for the State to conduct eradication activities in Santa Barbara County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3591.20 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.20 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1)

create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend subsections 3591.20(a) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend subsections 3591.20(a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code § 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by April 28, 2008, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at 916.227.5271 or by letter to the:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially

as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes to the proposal.

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code §13503 — POST powers and §13506 — POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code § 13503(e) — POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses, and Penal Code §13519.12 — POST authority to establish training standards involving the responsibilities of first responders to terrorism incidents and training standards for related instruction.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its January 24, 2008 meeting, the Commission approved proposed amendments to Learning Domains throughout the *Training and Testing Specifications for Peace Officer Basic Courses* publication, incorporated by reference into POST Regulations 1005, 1007, 1008, 1080 and Procedures D–1 and H–3.

The proposed changes include:

- Re-distributing course hours between learning domains,
- Re-aligning the Modular Format to the proper levels of training,
- Incorporating a requalification process for modules III and II,
- Adding End-of-Course Proficiency tests to Modules III and II,
- Making additional updates to curriculum as part of an ongoing review.

All changes to academy curriculum begin with recommendations from law enforcement practitioners or, in some cases, via legislative mandates. POST then facilitates meetings attended by curriculum advisors and SMEs who provide recommended changes to existing academy curriculum. These recommendations are then submitted to the Standing Alignment Committee (SAC), chaired by POST personnel and comprised of academy directors and coordinators. The SAC approved recommendations are then submitted for review

by all academies at the Basic Course Consortium quarterly meetings facilitated by POST. Once approved by majority vote of all academies, the recommendations are forwarded to a Test Review Panel, also comprised of academy administrators who identify testing questions and pass–point thresholds for the new curriculum. The completed work of all committees is then submitted to the POST Commission for final review. In addition to amending the learning domains for the aforementioned reasons, the SMEs also propose non–substantial changes at the same time to improve clarity and readability of the domains.

Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test to the updated curriculum. The proposed effective date is July 1, 2008.

Local Mandate

This proposal does not impose a mandate on local agencies or school districts.

Fiscal Impact Estimates

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with § 17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

Costs or Savings to State Agencies

POST anticipates no additional costs or savings to state agencies.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Assessment Regarding Effect on Jobs/Businesses

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the elimination of existing businesses or the creation or expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

None

Alternatives

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as, and less burdensome to, affected private persons than the proposed action.

Contact Persons

Please direct inquiries or written comments about the proposed regulatory action to the following:

Patricia Cassidy
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
916.227.4847 or Patricia.Cassidy@post.ca.gov
916.227.5271 (FAX)

or

Julie Hemphill
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
916.227.0544 or Julie.Hemphill@post.ca.gov

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) name above.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 791, 791.7, and 795 in Subdivision 4, Chapter 2, Subchapter 1 of

Title 14 of the California Code of Regulations (CCR). OSPR also proposes to amend the following forms: FG OSPR-1924, FG OSPR-1925, FG OSPR-1928, FG OSPR-1929, FG OSPR-1930, FG OSPR-1946, FG OSPR-1947, FG OSPR-1962 and FG OSPR-1972. These sections and forms pertain to California Certificates of Financial Responsibility.

PUBLIC HEARING

Pursuant to Government Code Section 11346.8(a), no public hearing has been scheduled on the proposed action. However, a hearing will be held if OSPR receives a written request for a public hearing from any interested persons, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on April 29, 2008, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.37.54(b) grants the Administrator the authority to adopt regulations gov-

erning policy or other contractual terms, conditions or defenses which are necessary or which are unacceptable in establishing evidence of financial responsibility. Accordingly, the proposed regulations implement, interpret and make specific Government Code Sections 8670.37.51 through 8670.37.57 relating to financial responsibility.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert–Keene–Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters.

The Act mandates that all vessel and marine facility owner/operators shall be prohibited from transporting oil or operating a marine facility which transfers oil to or from a vessel in California, without first obtaining a certificate demonstrating specified levels of financial responsibility to pay for any costs resulting from oil spills occurring in California marine waters, or in locations which could affect California marine waters.

Pursuant to the authority in the Act, OSPR currently has regulations (Title 14, California Code of Regulations, Sections 791 through 797) which define terms used in the regulations; establish procedures for applying for a California Certificate of Financial Responsibility (COFR); establish required levels of financial responsibility and certificate requirements for owners or operators of vessels and marine facilities, and owners of oil; provide information on the types of evidence required in order to establish financial responsibility; inform the regulated community of those situations in which a certificate may be revoked; and, provide the methods for reporting changes which could affect the certificant's ability to comply with the financial responsibility requirements.

This proposal would change the regulations in the following ways:

- Remove definitions that are redundant as they are defined elsewhere;
- Add the regulatory citations for “reasonable worst case spill”;
- Change the address for application submission;
- Add further instruction upon certification revocation;
- Clarify the application renewal timeframes and conditions under which a new certificate is required;
- Clarify what is considered acceptable insurance by OSPR;
- Update regulatory sections and form numbers.

- Amending the COFR Applications (FG OSPR–1924, FG OSPR–1925, FG OSPR–1946, FG OSPR–1947, and FG OSPR–1972) by simplifying the form content, clarifying the information requested, and updated addresses, etc.
- Amending the Guarantee of Financial Responsibility form (FG OSPR–1928) to include reference to the Department and OSPR in its heading.
- Amending the Endorsements to make the termination/cancellation timeframes consistent with industry standards.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses:

These amendments clarify current practices and significantly streamline the applications and will, therefore, not result in significant additional costs to private persons or directly affected businesses. The OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant state-wide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared a Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, forms, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

http://www.dfg.ca.gov/ospr/law/regs_rev.html

Questions regarding the proposed regulations, requests for documents, or any questions concerning the

substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Tena Rakela ((916) 327-3197).

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 815.05, 818.02, 825.05, and 827.02 in Subdivision 4, Title 14 of the California Code of Regulations (CCR). These sections pertain to oil spill contingency plan requirements.

PUBLIC HEARING

Pursuant to Government Code Section 11346.8(a), no public hearing has been scheduled on the proposed action. However, a hearing will be held if OSPR receives a written request for a public hearing from any interested persons, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on April 29, 2008, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.28 grants the Administrator the authority to adopt regulations and guidelines for oil spill contingency plans. These regulations implement, interpret and make specific Government Code Sections 8670.28 through 8670.31.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert–Keene–Seastrand Oil Spill Prevention and Response Act (Chapter 1248, Statutes of 1990) (Act), created a comprehensive state oil spill program for California’s marine waters. Among its many provisions, it required the adoption of regulations requiring oil spill contingency plans and establishing financial responsibility requirements for tank vessels, nontank vessels, and marine facilities.

Following the enactment of the above–cited legislation, and the establishment of the Office of Spill Prevention and Response (OSPR), regulations governing oil spill contingency plans and financial responsibility were adopted. These sections establish clear and consistent guidelines to those parties either affected by their adoption or charged with their enforcement. These regulations were necessary to implement, interpret and make specific Government Code Sections 8670.28 through 8670.31.

These plans are to be used in the response effort that would be necessary in the event of a discharge of oil into the marine waters of the state. The Act authorizes the Administrator to require that all necessary prevention measures are taken, and that sufficient response capability is available. Additionally, the Administrator is required to establish regulations and guidelines that provide for the best achievable protection of the coastal and marine resources, and ensure that all areas of the coast are protected by prevention, response, containment and cleanup equipment and operations.

There are new regulations that recently went into effect (Title 14, California Code of Regulations Section 818.02(f) and Section 827.02(i), implementing Government Code Section 8670.28(a)(9)), which states a tank vessel and nontank vessel plan holder shall demonstrate through a contract or other approved means, response resources necessary to meet the timeframes required by the Shoreline Protection Tables. A portion of those tables, for ports other than those identified as High Volume Ports, went into effect September 1, 2007. Essentially these are ports, harbors, and waterways in California marine waters that are outside of the San Francisco Bay and Los Angeles–Long Beach Harbor complexes, and include Humboldt, Monterey, Santa Barbara, and San Diego bays and harbors.

Because only a small number of covered vessels (i.e., vessels in OSPR’s jurisdiction over 300 gross tons) visit these areas per year, it does not justify the capital outlay of funds that would be required to have shoreline protection equipment pre–positioned, including staff and boats, in these areas. The Oil Spill Response Organizations (OSROs) would, however, be able to provide coverage to the plan holders in these areas with prior advance notice. With proper advance notification, OSROs will be able to temporarily position response resources to meet the 0–12 hour requirement in the Shoreline Protection Tables, on an as–needed basis.

The change proposed would allow OSROs to get the proper advance notification to temporarily stage manpower and equipment to meet the new requirements in non–High Volume port areas. This change will allow maritime commerce to continue unimpeded at its current level, while also meeting OSPR’s statutory mandate of “Best Achievable Protection” of California coastal resources and marine waters (Government Code Section 8670.3(b)(1)).

This fulfills the Certificate of Compliance for two previous Emergency Rulemaking actions amending California Code of Regulations Section 815.05 (Emergency File #2007–1002–01E) and Section 825.05 (Emergency File #2007–1029–01E).

Amendments have also been made to require additional information from tank vessel and nontank vessel owner/operators, to provide additional key information to implement and complement OSPR’s recently completed contingency plan database. This will allow OSPR to more adequately be able to identify and track these vessels electronically.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts:
NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses:

These amendments give a comparable option to current practices of re-testing bollard pull, and will not result in significant additional costs to private persons or directly affected businesses. The OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant state-wide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, forms, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

http://www.dfg.ca.gov/ospr/law/regs_rev.html

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Chris Klumpp ((916) 322-1195).

TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Hearing Room, 2005 Evergreen Street, Sacramento, California, 95815, at 8:35 a.m. on 1 May 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office not later than 5:00 p.m. on 28 April 2008 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal

or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 3502, 3502.1, and 3510 of the Business and Professions Code, and to implement, interpret or make specific Sections 3502 and 3502.1 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations require physician assistants to obtain patient specific authority from the supervising physician prior to writing drug orders for Schedule II through V controlled substances.

Assembly Bill 3 (Stats. 2007, Chapter 376: Bass) eliminates this requirement if a physician assistant completes an approved controlled substance education course and if delegated by a supervising physician.

This proposal would also require that the Physician Assistant Committee establish course content, require a written examination, course time frames, and define course providers. The proposal would also establish responsibilities with regard to course structure, certificates of completion, record keeping, and availability of certificate of completion for inspection by the physician assistant's employer, prospective employer, or the committee.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees who wish to complete a controlled substance education course.

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal may expand the following type of businesses: businesses developing controlled substance education courses that may be offered to physician assistants who wish to take such courses.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Physician Assistant Committee are cost associated with taking the approved controlled substance education course. Cost only affect individual licensees who wish to take a controlled substance education course.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not affect small businesses because the regulations are applicable only to physician assistants who wish to take the approved controlled substance education course.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at

2005 Evergreen Street, Suite 1100, Sacramento, California 95815.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Glenn Mitchell
Address: 2005 Evergreen Street,
Suite 1100
Sacramento, CA 95815
Telephone No.: (916) 561-8783
Fax No.: (916) 263-2671
E-Mail Address: gmitchell@mbc.ca.gov

The backup contact person is:

Name: Elberta Portman
Address: 2005 Evergreen Street,
Suite 1100
Sacramento, CA 95815
Telephone No.: (916) 561-8782
Fax No.: (916) 263-2671
E-Mail Address: eportman@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at: www.physicianassistant.ca.gov.

**TITLE 16. PHYSICIAN ASSISTANT
COMMITTEE**

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Hearing Room, 2005 Evergreen Street, Sacramento, California 95815, at 8:55 a.m., on 1 May 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office not later than 5:00

p.m. on 28 April 2008 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 148, and 3510 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9 and 148 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Amend Section 1399.571.

Business and Professions Code Section 125.9 and 148 permit the Physician Assistant Committee to establish, by regulation, a citation and fine program. The maximum fine amount authorized by statute increased from \$2500 to \$5000 effective January 2004. The regulatory proposal amends Section 1399.571, increasing the maximum fine amount that the Physician Assistant Committee may impose to \$5000, specific circumstances under which the higher fine could be imposed, and making other nonsubstantive changes.

The committee also proposes to add to the list of Citable Offenses Business and Professions Code Section 119 (Misdemeanors pertaining to use of licenses).

The regulatory proposal affects physician assistants and unlicensed individuals who violate the Physician Assistant Practice Act, it does not affect small businesses.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Some cost savings due to receipt of fine payments from licensees who have been issued citation and fines.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The committee has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees who have been issued a citation and fine.

The following studies/relevant data were relied upon in making the above Determination: none.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Physician Assistant Committee are cost associated with the payment of a fine due to the issuance of a citation. Costs only affect individuals who have received a citation and fine. Citations include fines that range from \$100 to \$5000.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not affect small businesses. The regulatory proposal affects only physician assistants and unlicensed individuals who have been issued by the Physician Assistant Committee a citation and assessed a fine for a violation that meets specific criteria.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, CA 95815

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Glenn Mitchell
Address: 2005 Evergreen Street
Suite 1100
Sacramento, CA 95815

Telephone No.: (916) 561-8783
Fax No.: (916) 263-2671
E-Mail Address: gmittchell@mbc.ca.gov

The backup contact person is:

Name: Elberta Portman
Address: 2005 Evergreen Street
Suite 1100
Sacramento, CA 95815
Telephone No.: (916) 561-8782
Fax No.: (916) 263-2671
E-Mail Address: eportman@mbc.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: Dianne Tincher
 Address: 2005 Evergreen Street
 Suite 1100
 Sacramento, CA 95815
 Telephone No.: (916) 561-8786
 Fax No.: (916) 263-2671
 E-Mail Address: dtincher@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at: www.physicianassistant.ca.gov.

TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Kremen Education Building, Room 140, California State University, Fresno, 5241 North Maple Avenue, Fresno CA, 93740 on Thursday, May 1, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on April 28, 2008 or must be received at the hearing. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 2615 of the Business and Professions Code to implement, interpret or make specific Sections 2660, 2660.1, 2661 and 2661.5 of said Code and Section 11425.50(e), Government Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

(1) Amend section 1399.15

Senate Bill 523 (Stats. 1995, Chapter 938; Kopp) provides that a penalty in any administrative disciplinary action may not be based on a guideline unless it has been

adopted as a regulation in accordance with the Administrative Procedure Act. (Government Code Section 11425.50(e); Operative 07/01/97 [Stats. 1995, Ch. 938, Sec. 98])

On January 31, 1997 the Board adopted the document entitled "Disciplinary Guidelines" and subsequently incorporated the guidelines by reference into regulation later that year. On May 13, 2005, the Board retitled the guideline "Model Guidelines for Issuing Citations and Imposing Discipline" by regulation and incorporated them by reference.

The Model Guidelines for Issuing Citations and Imposing Discipline (Model Guidelines) is a manual addressing public protection while enabling the licensee to practice their profession in a controlled environment.

The Board has since produced the 3rd edition of the Model Guidelines, to more accurately reflect its purpose and intended use by the public, those subject to the issuance of a citation and fine, as well as those involved in the disciplinary process: Administrative Law Judges, Deputy Attorneys General, members of the Board who review proposed decisions and stipulations and make final decisions, its Executive Officer and staff, and respondents and their counsel. The Board proposes to incorporate the 3rd edition of the Model Guidelines into regulation by reference, which includes additional violations and modifications of the penalties to be consistent and appropriate to the practice of physical therapy. Additionally, there have been changes to the physical therapy laws and regulations that are not reflected in the May 13, 2005 publication of the guidelines thereby hindering the Board's ability to effectively impose an action which would enable a licensee to continue to practice while effectively protecting the public.

A copy of the text of the Model Guidelines is available from the Board upon request.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- 1) SB 523 (Kopp) Stats. 1995, Ch. 938
- 2) Physical Therapy Board of California's "Disciplinary Guidelines" adopted May 13, 2005.

Impact on Jobs/New Businesses: None

The Physical Therapy Board of California has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities:

The Physical Therapy Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulations would not affect small businesses because it only affects individual licensees.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing

upon request from the Physical Therapy Board of California at 1418 Howe Avenue, Suite 16, Sacramento, California 95825 until March 14, 2008. On March 14, 2008 the Board office will move to 2005 Evergreen St., Suite 1350, Sacramento, CA 95815. Please direct your request to the new address after that date.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Elsa Ybarra

Before March 14, 2008 —

1418 Howe Avenue, Suite 16
Sacramento, CA 95825

After March 14, 2008

2005 Evergreen Street, Suite 1350
Sacramento, CA 95815

(916) 561-8262

(916) 263-2560—Fax Number

Elsa_Ybarra@dca.ca.gov

The backup contact person is:

Rebecca Marco

Before March 14, 2008 —

1418 Howe Avenue, Suite 16
Sacramento, CA 95825

After March 14, 2008

2005 Evergreen Street, Suite 1350
Sacramento, CA 95815

(916) 561-8260

(916) 263-2560—Fax Number

Rebecca_Marco@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Elsa Ybarra at (916) 561-8262.

Website Access: Materials regarding this proposal can be found at www.ptb.ca.gov.

TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Kremen Education Building, Room 140, California State University, Fresno, 5241 North Maple Avenue, Fresno CA, 93740 on Thursday, May 1, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on April 28, 2008 or must be received at the hearing. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2615 and 2633 of the Business and Professions Code to implement, interpret or make specific Section 2633 of said Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

(1) Add section 1398.12

Assembly Bill 2868 (stats. 2006, chapter 222; Bogh) authorizes a licensed physical therapist holding a doctoral degree in physical therapy or in a related health science, once defined in regulations, to use the term "doctor" and doctoral degree abbreviations, as specified, if the requirements defined in section 2633 of the Business and Professions Code are met.

These regulations will define which health sciences are related to physical therapy and therefore authorize a licensed physical therapist holding such a doctoral degree to use the term doctor or an appropriate abbreviation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- 1) AB 2868 (Bogh) (stats. 2006, ch. 222)
- 2) Business and Professions Code section 2650
- 3) American Physical Therapy Association's Commission on Accreditation for Physical Therapy Education (CAPTE) evaluative criteria CC1.

Impact on Jobs/New Businesses: None

The Physical Therapy Board of California has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities:

The Physical Therapy Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulations would not affect small businesses because it only affects individual licenses.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 1418 Howe Avenue, Suite 16, Sacramento, California 95825 until March 14, 2008. On March 14, 2008 the Board office will move to 2005 Evergreen St., Suite 1350, Sacramento, CA 95815. Please direct your request to the new address after that date.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Rebecca Marco
Before March 14, 2008 —
1418 Howe Avenue, Suite 16
Sacramento, CA 95825
After March 14, 2008
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815
(916) 561-8260
(916) 263-2560 — Fax Number
Rebecca_Marco@dca.ca.gov

The backup contact person is:

Elsa Ybarra
Before March 14, 2008 —
1418 Howe Avenue, Suite 16
Sacramento, CA 95825
After March 14, 2008
2005 Evergreen Street, Suite 1350
Sacramento, CA 95815
(916) 561-8260
(916) 263-2560 — Fax Number
Elsa_Ybarra@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Rebecca Marco at (916) 561-8260.

Website Access: Materials regarding this proposal can be found at www.ptb.ca.gov.

TITLE 18. STATE BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by section 15606, subdivision (a), of the Government Code, proposes to amend sections 1807, Process for Reviewing Local Tax Reallocation Inquiries and 1828, Process for Reviewing Transactions and Use Tax Distributions, in Title 18, Division 2, Chapter 4, Articles 19 and 20 of the California Code of Regulations, relating to regulatory changes to the processes for reviewing petitions for local tax reallocations and transition and use tax redistributions. A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on Wednesday, May 28, 2008. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by May 28, 2008.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Sales and Use Tax Regulation 1807 provides the process for reviewing requests by local jurisdictions for investigation of suspected misallocation of local taxes imposed under the Bradley-Burns Uniform Local Sales and Use Tax Law. Procedures for processing such requests were adopted by the Board in 1996. Based in part on these procedures, the Board adopted Regulation 1807 in August 2002 to formalize procedures for reviewing appeals for reallocation of local tax. The pro-

cess for reviewing appeals of distributions of taxes imposed under the Transactions and Use Tax Law (commonly called “district taxes”) is explained in Regulation 1828, which was adopted in March 2004, based in large part on Regulation 1807.

Regulations 1807 and 1828 currently provide for five levels of review: by Allocation Group, by Refund Section Supervisor, by Local Tax Appeals Auditor, by Board Management and by Board Members. Board staff met with interested parties on October 10, 2007, and November 27, 2007, to discuss proposed revisions to Regulations 1807 and 1828. Based on comments from interested parties, staff proposed specified revisions to the regulations. As proposed, Regulations 1807 and 1828 would streamline the appeals process by eliminating two unneeded levels of review. The proposed revisions would also notify a jurisdiction of a decision that substantially affects it and allow that jurisdiction to also appeal to the next level within the same administrative proceeding. Thus, under the proposed regulations, there would be three levels of review: by Allocation Group, by Appeals Division and by Board Members.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendments do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendments and regulations will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5, subdivision (a)(8), the Board of Equalization makes an initial determination that the adoption of the amendments to Regulations 1807 and 1828 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The amendments to the regulations as proposed will not be detrimental to California businesses in competition with businesses in other states.

The proposed regulations may affect small business.

COST IMPACT ON PRIVATE PERSON OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulations 1807 and 1828 and the proposed changes have no comparable federal regulations.

AUTHORITY

Section 7051, Revenue and Taxation Code.

REFERENCE

Sections 7209, 7223 and 7270, Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. Windie O. Scott, telephone: (916) 323-2267, e-mail Windie.Scott@boe.ca.gov or by mail at State Board of Equalization, Attn: Ms. Windie Scott, MIC:82, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0082.

Written comments for the Board’s consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Mira Tonis, Regulations Coordinator, telephone (916) 319-9518, fax (916) 324-3984, e-mail Mira.Tonis@boe.ca.gov or by mail at State Board of Equalization, Attn: Mira Tonis, MIC:81, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board determined that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an initial statement of reasons and an underscored and strikeout version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's Web site: <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's Web site following its public hearing of the proposed regulation. It will also be available for public inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Tonis. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Amendment of Title 22, California Code of Regulations Sections 3258-1, 3267-1, and 3267-2

VOLUNTARY PLAN REPORTING

Notice of Proposed Rulemaking

The Employment Development Department (Department) proposes to amend California Code of Regu-

lations (CCR), title 22, sections 3258-1, 3267-1, and 3267-2 to ensure proper voluntary plan reporting, and that voluntary plans properly administer disability and Family Temporary Disability Insurance (FTDI) benefits.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department extends approval to employers to operate voluntary plans (VP) for short-term disability insurance coverage, in lieu of State Disability Insurance (SDI) coverage, as set forth in Division 1, Part 2, Chapter 6, of the California Unemployment Insurance Code (code) and CCR, title 22.

In order to secure the approval of the Director of Employment Development, self-insured voluntary plan employers must file a bond issued by an admitted surety insurer guaranteeing the obligations of the employer under the plan with the Department. In lieu of a surety bond, the voluntary plan employer may deposit cash, bearer bond, or an irrevocable letter of credit.

Once approved, a voluntary plan must remain in effect for at least one year. Thereafter, the employer may request withdrawal on the plan anniversary date or the date that a change in the State contribution rate or benefit schedule is enacted. The voluntary plan remains responsible for payment of all claims filed prior to the date of withdrawal. The Department may terminate a voluntary plan when terms or conditions of the plan have been violated.

Upon the employer's withdrawal or the Department's termination of a voluntary plan, the Department shall retain custody of the deposit of security to ensure that all remaining obligations of the voluntary plan are met. During this period, the employer or insurer must continue to provide any records, reports, or other information needed by the Department to properly perform its voluntary plan oversight duties.

Under the code sections 305 and 306, the Department is authorized to adopt, amend, or repeal regulations for the administration of the functions of the Department. Under code sections 3251, 3253, 3254, 3255, a qualified employer is able to provide the benefits to employees electing coverage under the employer's voluntary plan.

The following proposed amendments to CCR, title 22, sections 3258-1, 3267-1, and 3267-2 will:

- Allow for a longer retention period of security deposits to ensure complete resolution of all outstanding plan liabilities.

- Include language within the voluntary plan reporting requirements to reflect the 2004 legislative addition of FTDI benefits.
- Allow voluntary plans to submit reports to the Department annually, instead of quarterly.
- Ensure that voluntary plans properly administer disability and FTDI benefits.

The proposed amendments will address the above four bulleted items.

Authority and Reference:

Authority: Sections 305, 306, and 2602, Unemployment Insurance Code. Reference: Sections 140.5, 2627, 3254, 3255, 3267, 3301, 3302, and 3303, Unemployment Insurance Code.

Fiscal Impact:

Anticipated costs or savings in federal funding to the State: None

Anticipated costs or savings to any State Agency: None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact: The Department does not anticipate the proposed amendments will result in any new costs to the federal government, State government, local county governments, private individuals, businesses or small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses, nor will the proposed amendments hamper the ability of California businesses to compete with businesses in other states.

Recent departmental statistics reveal that 86 voluntary plan employers or, 16 percent of all employers that participate in a voluntary plan on behalf of their employees, submitted cash as the form of security. Fifty out of eighty-six voluntary plan employers have less than \$10,000.00 on deposit. Thus, the majority of voluntary plan employers have a nominal amount of cash on deposit. However, as a means to mitigate the cost to the voluntary plan employers, they also maintain the option of having the voluntary plan absorb the cost for the security on deposit. This option would completely eliminate any out-of-pocket expenses for the employer that may occur as a result of the increased retention period for the security deposit under the proposed regulation.

The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of

new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The cost impact on representative persons or businesses: The Department determined that any cost impact on representative persons or businesses would be insignificant and possibly absorbed by the voluntary plan funds.

Anticipated impact on housing costs: The proposed amendments will have no effect on housing costs.

Anticipated nondiscretionary costs or savings imposed upon local agencies: None

Small Business Impact:

The Department has determined that the proposed amendments will have minimal effect on small businesses which may be offset by the use of voluntary plan funds to cover all administrative costs.

Local Mandate Determination:

The Department has determined that the proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

Consideration of Alternatives:

In accordance with section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than April 28, 2008, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

Contact Persons

Inquiries or comments should be directed to:

(Mailing address) Laura Colozzi, Legal Analyst
Employment Development
Department
P.O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Laura Colozzi, Legal Analyst
Employment Development
Department
800 Capitol Mall, Room 5020
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654-7712
Fax No.: (916) 654-9069
E-Mail Address: eddlegal@edd.ca.gov

Note: In the event Laura is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers, Legal Analyst
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed to:

Name: Estela Gallawa, Staff Counsel
Telephone No.: (916) 654-8410

Internet Website Access

The Department has posted on its Internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed EDD Regulations."

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on April 28, 2008.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is sched-

uled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edds.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

GENERAL PUBLIC INTEREST

STATE BOARD OF EQUALIZATION

NOTICE OF DECISION AS REQUIRED BY GOVERNMENT CODE SECTION 11340.7

On January 2, 2008, the California State Board of Equalization received a petition from Mr. Stephen H. Bennett requesting that the Board amend Property Tax Rule 462.001, *Change in Ownership — General*, California Code of Regulations, Title 18, section 462.001.

Mr. Bennett petitioned the Board to amend the Rule to add a requirement that only transfers by a "primary owner" result in changes in ownership, and to define "primary owner" as the person that has the legally enforceable power to transfer real property.

The Board's authority to adopt regulations governing local boards of equalization when equalizing and county assessors when assessing is found in subdivision (c) of Government Code section 15606.

The Board scheduled this matter for hearing on the Chief Counsel Matters agenda at its January 31, 2008 Board meeting.

On January 18, 2008, the Board posted on the Internet a memorandum containing staff's recommendation with regard to the petition.

At its January 31, 2008 meeting, the Board voted to deny the petition in whole. That decision was based on the Board's conclusion that the current version of the regulation is consistent with Revenue and Taxation Code section 60.

A hardcopy of the petition may be requested by contacting Ms. Diane Olson, P.O. Box 942879, 450 N Street, MIC: 80, Sacramento, CA 94279-0080; Telephone (916) 322-9569; Fax (916) 324-3984; E-mail Diane.Olson@boe.ca.gov.

Questions regarding this matter should be directed to Acting Assistant Chief Counsel Robert Lambert, Telephone (916) 324-6593, Fax (916) 323-3387, or E-mail Robert.Lambert@boe.ca.gov.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication March 2008

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Evaluation of the hybrid zone of *Gambelia wislizenii* and its management implications

The Department of Fish and Game ("Department") received a proposal on 1 February 2008 from Mr. Adam Grimes, California State University California, Bakersfield, California, requesting to conduct field studies on the hybrid zone of blunt-nosed leopard lizard (*Gambelia wislizenii*), a Fully Protected reptile, for research purposes, consistent with the protection and recovery of the species.

The applicant has applied for the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include capturing lizards with a pole and noose, measured and photographed, pertinent hybrid scoring will be made, the first toe on the right or left hind foot will be clipped off and stored in a labeled tube filled with 70% ethanol, and the lizard will be released at its point of capture. Field work will occur in the Cuyama Valley and canyons on the eastern edge of the valley in Santa Barbara and Ventura Counties, the Lokern

Area of the San Joaquin Valley in Kern County, Lockwood Valley in Ventura County, and the western Mojave Desert in Kern County. The proposed work is intended to 1) evaluate the hybrid zone of *Gambelia wislizenii* and its management implications, 2) to reassess the hybrid zone of *Gambelia wislizenii* and *Gambelia wislizenii* using modern genetic techniques and 3) map the area of extent of hybrid lizards with respect to true *G. sila*. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicants, as co-Principal Investigators, to carry out the proposed activities. As this reptile is also a federally endangered species, the applicant is required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected reptiles after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the authorization on or after April 20, 2008, for a term of two years. Contact: Wildlife Programs Branch, 1812 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication March 2008

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Analysis of Prey Selection and Feeding Habits of Blunt-Nosed Leopard Lizards, *Gambelia sila*.

The Department of Fish and Game ("Department") received a proposal on 20 February 2008 from Mr. Joe McFaddin, California State University Bakersfield, Bakersfield, California, requesting to conduct field studies on the blunt-nosed leopard lizard (*Gambelia sila*), a Fully Protected reptile, for research purposes, consistent with the protection and recovery of the species.

The applicant has applied for the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include capture of animals from the wild using noose and pole method, take body measurements (length, mass, etc), marking with a non-toxic felt-tipped pen and injecting with a passive integrated transponder (PIT-tag). The PIT-tag is a small device (1.5-6 mm) that is inserted in the region just below the skin and

would not interfere with muscle, skeletal, and organ functions. Studies have shown that inserting PIT tags into the abdomen does not harm the animal and animals do not show discomfort.

The proposed study is intended to 1) investigate feeding habits of blunt-nosed leopard lizard, 2) estimate prey variation and densities at study sites, and 3) analyze scat contents to determine if there is a relationship in prey abundance and predation. This analysis of active selection or opportunistic feeding will add to the base of knowledge and further conservation and recovery plans. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicants, as co-Principal Investigators, to carry out the proposed activities. As this lizard is also a federally endangered species, the applicant is required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected reptiles after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the authorization on or after 20 April 2008, for a term of two years. Contact: Wildlife Programs Branch, 1812 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

DEPARTMENT OF INSURANCE

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105

REG-2007-00056 February 27, 2008

NOTICE OF SECOND PUBLIC HEARING REGARDING LOW COST AUTOMOBILE INSURANCE RATES

Rates for Liability, Uninsured Motorists and Medical Payment Coverages for Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Modoc, Mono, Napa, Nevada, Placer, Plumas, San Benito, San Luis Obispo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties

INTRODUCTION

On February 1, 2008, the Office of Administrative Law advised the public in its Notice Register that the

Department had scheduled a rulemaking hearing to discuss a regulatory proposal concerning Low Cost Automobile Insurance Rates in the rulemaking matter referenced above. Similarly, in early February, 2008, the Department posted notice concerning this rulemaking hearing on its website. Additionally, on January 30, 2008, the Department posted notice of this hearing in the San Francisco Daily Journal and the Los Angeles Daily Commerce.

Despite the notice provided above, it has come to the attention of the Department that some members of the public may not have received adequate, mailed notice of the rulemaking proceeding concerning the matter referenced above. Therefore, in addition to the rulemaking hearing that will be held as planned on April 9, 2008, the Department has scheduled a second opportunity to present public comments on April 14, 2008, as set forth below.

While the Department encourages those members of the public to submit written or oral comments at the April 9 hearing, to the extent that some members of the public may need a minimum of 45 days' notice of this rulemaking hearing, the Department also welcomes such members of the public to participate in a second scheduled hearing, set for April 14. However, please note that there is no need to attend both hearings or to submit comments at both hearings.

HEARING DATE AND LOCATION

Notice is hereby given that a second public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed rates at the following date, time, and place:

Date and Time: April 14, 2008
10:00 a.m.

Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior

to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Bryant Henley, Senior Staff Counsel
California Department of Insurance
Legal Division
45 Fremont Street, 21st Floor
San Francisco, CA 94105
henleyb@insurance.ca.gov
Telephone: (415) 538-4111
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Elizabeth Mohr, Assistant Chief Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
mohre@insurance.ca.gov
Telephone: (415) 538-4112
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on April 14, 2008**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Written comments shall be submitted by one method only.

AUTOMATIC MAILING

A copy of this Notice of Second Hearing, including the original Notice of Proposed Action and Text of the Regulation as well as Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This Second Notice, the Initial Statement of Reasons, the Notice of Proposed Action, and the text of regulations will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE TO INTERESTED PARTIES March 14, 2008

RELEASE OF INTERPRETIVE GUIDELINE FOR HAND-TO-MOUTH TRANSFER OF LEAD THROUGH EXPOSURE TO FISHING TACKLE PRODUCTS

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). OEHHA received a request from the Sports Fishing Coalition for guidance on calculating hand-to-mouth transfer of lead exposure from the handling of fishing tackle products during recreational use. The request was made pursuant to Title 22, California Code of Regulations, Section 12204. OEHHA released a draft Interpretive Guideline in May 2007 for public review and comment, and held an informal workshop on August 1, 2007 as an opportunity for providing oral comments on the draft guideline. Both written and oral comments on the draft guideline were received during the comment period. The Proposition 65 Interpretive Guideline No. 2008-001: Guideline for Hand-to-Mouth Transfer of Lead through Exposure to Fishing Tackle Products released today reflects consideration of the comments received.

A copy of Interpretive Guideline No. 2008-001: Guideline for Hand-to-Mouth Transfer of Lead through Exposure to Fishing Tackle Products and of OEHHA's responses to comments received on the draft Interpretive Guideline can be obtained from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Web site at: <http://www.oehha.ca.gov/prop65.html>.

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street address: 1001 I Street
Sacramento, California 95814
Mailing address: P.O. Box 4010 MS-19B
Sacramento, California 95812-4010
Fax: (916) 323-8803
Telephone: (916) 445-6900

DECISION NOT TO PROCEED

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347, the Occupational Safety and Health Standards Board of the State of California decided not to proceed with Title 8, General Industry Safety Orders, Chapter 4, Subchapter 7, Article 109, Section 5189, Process Safety Management — Definition of Retail Facility, (Notice File No. Z-07-0316-01, published March 30, 2007, in the California Notice Register 2007, No. 13-Z, page 549), based on comments received and therefore, withdraws this proposed action for further consideration.

DISAPPROVAL DECISIONS

DEPARTMENT OF MANAGED HEALTH CARE

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

AGENCY: DEPARTMENT OF MANAGED
HEALTHCARE

ACTION: Adopt section 1300.67.2.2 of title 28 of the
California Code of Regulations

DECISION OF DISAPPROVAL OF REGULATORY
ACTION

(Government Code section 11349.3)

OAL File No. 2008-0111-03 S

BACKGROUND

The Department of Managed Health Care (Department) proposed the adoption of section 1300.67.2.2 of title 28 to implement section 1367.03 of the Health and Safety Code by defining terms, adopting indicators of timely access, requiring each health care service plan to adopt standards for timely access to care, requiring plans to update their quality assurance programs to include self assessment, and by requiring plans to send reports of their results to the department. On January 11, 2008, the regulation was submitted to the Office of Administrative Law for review in accordance with the Administrative Procedure Act (APA) and on February 27, 2008, OAL disapproved the regulation. This Decision of Disapproval explains the reasons for OAL's action.

DECISION

OAL disapproved the proposed regulation because the Department failed to follow the procedure required under the APA and the notice of proposed regulatory action was inadequate.

Date: March 5, 2008

David Potter
Senior Staff Counsel

For: Susan Lapsley
Director

Original: Lucinda A. Ehnes, Director

Cc: Suzanne Chammout, Chief, Regulation
Development Division

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

OFFICE OF ADMINISTRATIVE LAW

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

(Pursuant to title 1, section 270, of the
California Code of Regulations)

EMPLOYMENT DEVELOPMENT DEPARTMENT

Agency being challenged:

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Peggy Gibson, Staff Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

John K. Riess
3579 Lomacitas Lane
Bonita, CA 91902

Agency contact:

Chian He
Employment Development Department
800 Capitol Mall, Room 5020
Sacramento, CA 95814

**Law Offices of
John K. Riess**

**3579 Lomacitas Lane • Bonita, California 91902
Tel: (619) 475-0256 • Fax: (619) 470-9269**

November 9, 2007

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814-4339

Dear Gentlemen,

This is a petition challenging an underground regulation. It is submitted under Title 1 Section 260 of the California Code of Regulations.

1. Contact Information:

John K. Riess
3579 Lomacitas Lane
Bonita, CA 91902

Phone 619 475 02456, Fax 619.470.9269, Cell 619 823 7245

2. The Agency is: Employment Development Department¹

3. The Underground Regulation being challenged is: Workforce Investment Act Directive No: WIADO05-17 Dated May 25, 2005 (The Directive)

4. This Directive is being used as a "standard" in an audit resolution case with the County of Riverside. While the Directive was not in effect at the time of the EDD representative's visit to Riverside County, it is being used as a standard for the review of the conduct of the Agency in the resolution process. The allegation of error that led to the dispute did not even arise from an audit. The

Agency has alleged disallowances of over \$300,000 based on a monitoring visit.

5. The Directive applies to many people outside of EDD. In Part 1 section D., the directive instructs Subrecipients² to establish local hearing procedures. It sets standards for the review of a hearing officer decision. "a regulation is an underground regulation if (1) the agency intended it to apply generally rather than in a specific case and (2) the agency adopted it to implement, interpret, or make specific the law enforced by the agency." (*Excelsior College v Board* (2006) 136 Cal. App. 4th 1218 @ 1239)

Here, this regulation imposes a mandatory duty upon some 56 Subrecipients in the state to set up a hearing process. In fact the entire application of the regulation falls upon those who have funds from EDD and are seeking to resolve an audit or other "determinations" issued by the Agency. This is an underground regulation under *Excelsior*.

This Directive does not fall under the exclusions of 11349(e) since it applies to both the Agency and the 56 other Subrecipients and imposes duties upon them. Procedures and rules and filing requirements that are more than just the resolution of disputes.

6. This issue is of considerable importance to all of the 56 local government agencies and non-profit corporations all of whom receive funds under the Workforce Investment Act Programs. They are being forced to comply with a procedure that has not been adopted as required by law. Procedures that are drafted by one party to the dispute and are not subject to the independent scrutiny of the Administrative Procedures Act.

I certify that the above allegations are true and correct to the best of my personal knowledge.

I, John K. Riess, certify under penalty of perjury under the laws of the state of California that I have submitted a true copy of this petition, with attachments, to the Employment Development Department, Ms. Patricia Cano, Esq., 800 Capitol Mall, Legal Office, Sacramento, CA 95814. Her phone number is: (916) 654 8410. This was done by placing this petition in a postage-prepaid envelope and placing it in the U.S. Mail at Bonita, CA. Dated this 21st day of December 2007.

Sincerely

/s/

John K. Riess
Attorney for Riverside County EDA

² A Subrecipient is defined in 20 CFR Sect 660.300 as "an entity to which a subgrant is awarded and which is accountable to the recipient (or higher tier subrecipient). . .

¹ EDD is the "Recipient" as defined in 20 CFR 660.300

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-0117-03

AIR RESOURCES BOARD

Diesel — Fueled Motor Vehicle Idling

The Air Resources Board submits this change without regulatory effect, to title 13, California Code of Regulations, section 2485. Specifically, the nonsubstantive filing seeks to make section 2485 consistent with Health and Safety Code section 43704.

Title 13

California Code of Regulations

AMEND: 2485

Filed 03/04/2008

Agency Contact: Trini Balcazar (916) 445-9564

File# 2008-0116-02

BOARD OF EDUCATION

Instructional Materials

This action updates the procedure for submission and approval of instructional materials.

Title 5

California Code of Regulations

ADOPT: 9510.5, 9512, 9513, 9514, 9525 AMEND: 9510, 9511, 9515, 9516, 9517, 9518, 9519, 9521, 9522, 9523, 9524, 9527, 9528, 9529, 9530

REPEAL: 9517.1, 9520

Filed 03/03/2008

Effective 04/02/2008

Agency Contact: Debra Strain (916) 319-0860

File# 2008-0115-03

BOARD OF EDUCATION

Facilities for Charter Schools

In this regulatory action, the Board of Education amends its regulations pertaining to "facilities for charter schools." These regulations relate to school districts making facilities available to charter schools under the requirements of Education Code section 47614 (a provision of Proposition 39).

Title 5

California Code of Regulations

ADOPT: 11969.10, 11969.11 AMEND: 11969.1, 11969.2, 11969.3, 11969.4, 11969.6, 11969.7, 11969.8, 11969.9

Filed 02/28/2008

Effective 03/29/2008

Agency Contact: Debra Strain (916) 319-0860

File# 2008-0118-01

CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

Intellectual Property & Revenue Sharing Requirements — For-Profits

In this regulatory action, the California Institute for Regenerative Medicine (CIRM) adopts regulations setting forth intellectual property and revenue sharing requirements applicable to for-profit organizations which receive CIRM grants. This regulatory action relates to Article XXXV of the California Constitution and the California Stem Cell Research and Cures Act.

Title 17

California Code of Regulations

ADOPT: 100400, 100401, 100402, 100403, 100404, 100405, 100406, 100407, 100408, 100409, 100410

Filed 03/04/2008

Effective 04/03/2008

Agency Contact: C. Scott Tocher (415) 396-9136

File# 2008-0114-02

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Temporary Waiver of Terms

This regulatory action amends the requirements for a stipulated agreement for a temporary waiver of specified terms and conditions of a solid waste facilities permit during temporary emergencies.

Title 14

California Code of Regulations

AMEND: 17211.1, 17211.4, 17211.7, 17211.9

Filed 02/28/2008

Effective 03/29/2008

Agency Contact: Robert Holmes (916) 341-6376

File# 2008-0219-01

CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

CAL ReUse Program

These amendments modify and expand the existing California Recycle Underutilized Sites (CALReUSE) Program.

Title 4

California Code of Regulations

ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15
AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101

Filed 02/29/2008

Effective 02/29/2008

Agency Contact: Deana Carrillo (916) 657-5051

File# 2008-0219-05

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Mandatory Academy Instructor Certificate Program

This action makes modifications to the Academy Instructor Certificate Program (AICP) effective March 1, 2008. This action is the resubmittal of previously withdrawn OAL file number 07-0727-03S.

Title 11

California Code of Regulations

AMEND: 1009, 1070, 1071, 1082, 1083

Filed 02/29/2008

Effective 03/01/2008

Agency Contact: Patricia Cassidy (916) 227-4847

File# 2008-0211-03

**DEPARTMENT OF FOOD AND AGRICULTURE
Seed-Certifying Agencies**

This nonsubstantive amendment deletes reference to Food and Agriculture Code section 52332 and replaces it with the more appropriate section 52401. Additionally, the term "director" is replaced with "Secretary" and a typographical error is corrected.

Title 3

California Code of Regulations

AMEND: 3875

Filed 03/05/2008

Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0226-01

**DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Eradication Area**

This emergency regulatory action adds Sonoma County to the list of eradication areas with respect to the light brown apple moth (*Epiphyas postvittana*).

Title 3

California Code of Regulations

AMEND: 3591.20

Filed 03/03/2008

Effective 03/03/2008

Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0201-04

**DEPARTMENT OF FOOD AND AGRICULTURE
Labeling of Seed Containers**

This amendment to 3 CCR section 3867 removes reference to Food and Agriculture Code section 52453(e) in the text and in the Reference citations. Food and Agriculture Code section 52453(e) was repealed because it was causing confusion among seed labelers and inspectors.

Title 3

California Code of Regulations

AMEND: 3867

Filed 03/04/2008

Effective 04/03/2008

Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0123-03

**DEPARTMENT OF HEALTH CARE SERVICES
National Provider Identifier and Re-submission Time-frame**

The nonsubstantive changes to 22 CCR sections 51000.3 and 51000.50 change the regulations to comply with Welfare and Institutions Code sections 14043.1 and 14043.26, respectively. The changes to 22 CCR section 51000.30 are being made pursuant to Welfare and Institutions Code section 14043.45 and are exempt from OAL review.

Title 22

California Code of Regulations

AMEND: 51000.3, 51000.30, 51000.50

Filed 02/28/2008

Agency Contact: Shelly Blanks (916) 650-6825

File# 2008-0116-01

**DEPARTMENT OF REHABILITATION
Self-Employment**

This regulatory action establishes definitions and the nature and scope of vocational rehabilitation services for individuals who seek employment in a self-employment setting and the criteria under which each service is provided.

Title 9

California Code of Regulations

ADOPT: 7024.9, 7025.4, 7136.4, 7136.5, 7136.6, 7136.7, 7136.8, 7136.9, 7137, 7138, 7179.4, 7179.5
REPEAL: 7136.5

Filed 02/28/2008

Effective 03/29/2008

Agency Contact: Juanita Loyola (916) 263-8972

File# 2008-0118-02

DEPARTMENT OF SOCIAL SERVICES

Residential Care Facilities for the Elderly Section 100

Department of Social Services (DSS) submitted this action as one without regulatory effect pursuant to Title 1, section 100 of the California Code of Regulations (CCR) to accomplish a comprehensive reorganizing and restructuring of parallel regulations governing residential care facilities for the elderly (RCFE) in CCR Title 22, Division 6, Chapter 8 and DSS's publication, Manual of Policies and Procedures (MPP). This action revises, reorganizes, relocates text, and renumbers 125 sections, including modifications to authority and reference citations, repeals two sections, and expands the articles in which the sections are located from eight to 15 articles. This action was a resubmittal of OAL File No. 07-0821-04N, which DSS withdrew from OAL review on October 1, 2007, pursuant to Government Code section 11349.3, subdivision (c).

Title 22/MPP

California Code of Regulations

AMEND: 87101, 87102, 87106, 87107, 87110, 87111, 87112, 87113, 87114, 87115, 87116, 87117, 87118, 87218, 87219, 87219.1, 87220, 87222, 87223, 87224, 87225, 87226, 87227, 87227.1, 87228, 87229, 87230, 87231, 87235, 87236, 87340, 87342, 87342.1, 87343, 87344, 87345, 87346, 87451, 87452, 87453, 87454, 87455, 87455.1, 87457, 87458, 87560, 87561, 87562, 87564, 87564.2, 87564.3, 87564.4, 87564.5, 87565, 87566, 87567, 87568, 87569, 87570, 87571, 87572, 87573, 87574, 87575, 87575.1, 87575.2, 87576, 87577, 87578, 87579, 87580, 87581, 87582, 87583, 87583.1, 87584, 87585, 87586, 87587, 87588, 87589, 87590, 87591, 87592, 87593, 87686, 87689, 87690, 87691, 87692, 87700, 87701, 87701.1, 87701.2, 87701.3, 87701.5, 87702, 87702.1, 87703, 87704, 87705, 87706, 87707, 87708, 87709, 87710, 87711, 87713, 87716, 87716.1, 87720, 87721, 87722, 87724, 87725, 87725.1, 87730, 87730.1, 87730.2, 87731, 87731.1, 87731.2, 87731.3, 87731.4, 87755, 87756, 87757, 87758, 87759, 87761, 87763, 87766, 87768, 87769, 87775, 87777, 87785, 87786, 87787, 87788, 87789, 87791, 87792, 87793 REPEAL: 87725.2,
Filed 03/05/2008

Agency Contact: Robin Garvey (916) 657-3588

File# 2008-0201-01

EMPLOYMENT DEVELOPMENT DEPARTMENT

Taxable Value of Meals and Lodging

These amendments increase the taxable value of food and lodging provided to employees by employers for

2008 based upon inflation and the United States Department of Labor, Bureau of Labor Statistics.

Title 22

California Code of Regulations

AMEND: 926-3, 926-4, 926-5

Filed 03/03/2008

Effective 01/01/2008

Agency Contact: Laura Colozzi (916) 654-7712

File# 2008-0220-02

FISH AND GAME COMMISSION

Incidental Take of Longfin Smelt During Candidacy

These emergency regulations permit current research, monitoring, dredging and extraction activities currently being undertaken to continue during the candidacy of the Longfin Smelt for listing as threatened or endangered for purposes of the California Endangered Species Act. The emergency regulations also allow local water diversions to continue, as well as the State Water Project and federal Central Valley Project Export Facilities to continue in operation without fear of prosecution for take of longfin smelt during candidacy.

Title 14

California Code of Regulations

ADOPT: 749.3

Filed 02/28/2008

Effective 02/29/2008

Agency Contact: Sherrie Koell (916) 654-9866

File# 2008-0129-02

FRANCHISE TAX BOARD

Extractive Business Activity

This nonsubstantive change moves the text of 18 CCR section 25128-1(d) to position (f) to more closely mirror Revenue and Taxation Code section 25128. It also corrects the spelling of "occurrence" to "occurrence" in subsection (h) (4).

Title 18

California Code of Regulations

AMEND: 25128-1

Filed 02/29/2008

Agency Contact: Colleen Berwick (916) 845-3306

File# 2008-0118-06

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Safe Access to Elevated Locations

This rulemaking action clarifies the required means-of-access requirements for safe access to permanent elevated work locations and clarifies that the requirements of Section 3270 of title 8 of the California Code of Regulations apply to all permanent elevated work locations and not just to those where a limited number of specified work activities take place.

Title 8
California Code of Regulations
AMEND: 3270
Filed 02/29/2008
Effective 03/30/2008
Agency Contact: Marley Hart (916) 274-5721

File# 2008-0118-05
**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Jobsite Vehicles—Scope and Application
This regulatory action amends the Construction Safety Order regulations to clarify that haulage and earth-moving vehicles are subject to the vehicular safety requirements of other jobsite vehicles.

Title 8
California Code of Regulations
AMEND: 1504, 1597
Filed 03/05/2008
Effective 04/04/2008
Agency Contact: Christina Witte (916) 274-5721

File# 2008-0118-04
**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Number of Exits
This action amends existing General Industry Safety Orders by requiring a minimum of two exits for workplace locations with specified exceptions.

Title 8
California Code of Regulations
AMEND: 3228
Filed 03/05/2008
Effective 04/04/2008
Agency Contact: Christina Witte (916) 274-5721

File# 2008-0220-05
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; 1-Year Grant Extension
This emergency rulemaking action changes the expiration date of subsection (d) of section 1859.76 of title 2 of the California Code of Regulations from January 1, 2008 to January 1, 2009, pertaining to new construction site development costs under the School Facility Program so as to enable completion of school facility construction and improvement projects.

Title 2
California Code of Regulations
AMEND: 1859.76, 1859.83, 1859.104.3
Filed 03/03/2008
Effective 03/03/2008
Agency Contact: Robert Young (916) 445-0083

File# 2008-0114-03
STATE WATER RESOURCES CONTROL BOARD
Amendment to the San Francisco Bay Basin Plan
The SWRCB is amending the SF Basin Plan to adopt new site-specific marine cyanide objectives in the San Francisco Bay and establish a cyanide shallow water discharger effluent limitation policy, substituting an attenuation factor and allowing for dilution credits.

Title 23
California Code of Regulations
ADOPT: 3919.1
Filed 02/28/2008
Effective 02/28/2008
Agency Contact: Nirmal Sandhar (916) 341-5571

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN OCTOBER 3, 2007 TO
MARCH 5, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1
02/25/08 ADOPT: 48, 50, 52 AMEND: 55
01/29/08 AMEND: 1, 6, 90, and Appendix A (Std. Form 400)

Title 2
03/03/08 AMEND: 1859.76, 1859.83, 1859.104.3
02/25/08 AMEND: 549.80
02/25/08 AMEND: 714
01/07/08 AMEND: 1859.2, 1859.43, 1859.50, 1859.51, 1859.81, 1859.106
01/07/08 AMEND: 18531.61
01/03/08 ADOPT: 547.69, 547.70, 547.71
AMEND: 547.69 renumbered as 547.72, 547.70 renumbered as 547.74, 547.71 renumbered as 547.73
12/26/07 AMEND: div. 8, ch. 54, sec. 54300
12/19/07 ADOPT: 18413
12/18/07 ADOPT: 1859.324.1, 1859.330
AMEND: 1859.302, 1859.318, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.326, 1859.328, 1859.329
12/17/07 AMEND: 58700
12/17/07 AMEND: 18351
12/13/07 ADOPT: 18531.2

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|----------------|--|-------------------------------|
| 12/13/07 | AMEND: 18530.4 | (Renumbered to 649.57), 657.1 |
| 12/13/07 | AMEND: 18421.2 | (Renumbered to 649.59), 657.2 |
| 12/06/07 | AMEND: 649, 649.1 (Renumbered to 649.15), 649.1.1 (Renumbered to 649.16), 649.2 (Renumbered to 649.12), 649.3 (Renumbered to 649.24), 649.7 (Renumbered to 649.35), 649.8 (Renumbered to 649.36), 649.9 (Renumbered to 649.7), 649.10 (Renumbered to 649.22), 649.11 (Renumbered to 649.8), 649.12 (Renumbered to 649.9), 649.13 (Renumbered to 649.23), 649.14 (Renumbered to 649.27), 649.15 (Renumbered to 649.11), 649.16 (Renumbered to 649.30), 649.17 (Renumbered to 649.31), 649.18 (Renumbered to 649.26), 649.20, 649.21, 649.22 (Renumbered to 649.10), 649.71 (Renumbered to 649.25), 649.72 (Renumbered to 649.4), 650.1 (Renumbered to 649.6), 651.1 (Renumbered to 649.1), 651.2 (Renumbered to 649.14), 651.3 (Renumbered to 649.13), 651.4 (Renumbered to 649.34), 651.5 (Renumbered to 649.5), 652.1 (Renumbered to 649.39), 652.2 (Renumbered to 649.40), 653.1 (Renumbered to 649.42), 653.2 (Renumbered to 649.2), 653.3 (Renumbered to 649.41), 653.4 (Renumbered to 649.37), 653.5 (Renumbered to 649.38), 653.6 (Renumbered to 649.61), 654.1 (Renumbered to 649.3), 654.2 (Renumbered to 649.43), 654.3 (Renumbered to 649.46), 654.4 (Renumbered to 649.44), 654.5 (Renumbered to 649.45), 654.6 (Renumbered to 649.47), 655.1 (Renumbered to 649.51), 656.1 (Renumbered to 649.52), 656.2 (Renumbered to 649.54), 656.3 (Renumbered to 649.55), 656.4 (Renumbered to 649.53), 656.5 (Renumbered to 649.56), 656.6 (Renumbered to 649.50), 656.7 (Renumbered to 649.58), 656.8 | (Renumbered to 649.62) |
| 10/31/07 | ADOPT: 18200 | |
| 10/30/07 | AMEND: 1138.10, 1138.30, 1138.72, 1138.90 | |
| 10/17/07 | ADOPT: 2970 | |
| 10/15/07 | ADOPT: 2291, 2292, 2293, 2294, 2295, 2296 | |
| 10/09/07 | AMEND: 1896.98, 1896.99.100, 1896.99.120 | |
| 10/03/07 | ADOPT: 1859.167.2, 1859.167.3 AMEND: 1859.2, 1859.163.3, 1859.167 REPEAL: 1859.167.1 | |
| Title 3 | | |
| 03/05/08 | AMEND: 3875 | |
| 03/04/08 | AMEND: 3867 | |
| 03/03/08 | AMEND: 3591.20 | |
| 02/22/08 | AMEND: 3434(b) | |
| 02/21/08 | AMEND: 6393 | |
| 02/11/08 | AMEND: 3434(b) | |
| 02/08/08 | AMEND: 3591.20 | |
| 02/04/08 | AMEND: 3434(b) | |
| 01/29/08 | AMEND: 3700(c) | |
| 01/28/08 | AMEND: 3433(b) | |
| 01/28/08 | AMEND: 4500 | |
| 01/25/08 | ADOPT: 6445, 6445.5, 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1, 6452, 6452.1, 6452.2, 6452.3(a), 6452.3(b), 6452.3(c), 6452.3(d), 6452.3(e), 6452.3(f), 6452.4, 6536(a), 6536(b)(1-3), 6536(b)(4) AMEND: 6000, 6400, 6450, 6450.1, 6450.2, 6450.3, 6452, 6453, 6502, 6624, 6626, 6784 | |
| 01/24/08 | AMEND: 1391, 1391.1 | |
| 01/22/08 | AMEND: 3591.6 | |
| 01/22/08 | AMEND: 3591.6 | |
| 01/22/08 | AMEND: 3591.2(a) | |
| 01/22/08 | AMEND: 3591.5(a) | |
| 01/18/08 | AMEND: 3423(b) | |
| 01/18/08 | ADOPT: 3152 | |
| 01/11/08 | AMEND: 3406(b) | |
| 01/10/08 | AMEND: 3433(b) | |
| 01/07/08 | AMEND: 1180.3.1 | |
| 12/26/07 | AMEND: 3433(b) | |
| 12/26/07 | AMEND: 3963 | |
| 12/21/07 | AMEND: 3434(b) | |
| 12/20/07 | ADOPT: 606 | |
| 12/19/07 | AMEND: 3700(c) | |
| 12/19/07 | AMEND: 3433(b) | |

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|----------|-------------------------|----------|--------------------------------------|
| 12/10/07 | AMEND: 3406(b) | | 11981 (renumber to 11980), 11982 |
| 12/06/07 | AMEND: 3589 | | (renumber to 11981), 11985 (renumber |
| 12/03/07 | AMEND: 3434(b) | | 11981.5), 11980 (renumber to 11982), |
| 11/29/07 | AMEND: 3434(b) | | 11986 (renumber to 11982.5), 11983, |
| 11/29/07 | AMEND: 3591.2 | | 11983.5, 11984 |
| 11/27/07 | AMEND: 3406(b) | 11/05/07 | ADOPT: 18134 |
| 11/27/07 | AMEND: 3433(b) | 10/29/07 | ADOPT: 24010, 24011, 24012, 24013 |
| 11/21/07 | AMEND: 3433(b) | 10/24/07 | ADOPT: 11996, 11996.1, 11996.2, |
| 11/16/07 | AMEND: 3417(b) | | 11996.3, 11996.4, 11996.5, 11996.6, |
| 11/15/07 | AMEND: 3434 | | 11996.7, 11996.8, 11996.9, 11996.10, |
| 11/14/07 | AMEND: 3589 | | 11996.11 |
| 11/14/07 | AMEND: 3591.20 | | |
| 11/09/07 | AMEND: 3434(b) | | |
| 11/06/07 | AMEND: 3406(b) | | |
| 11/01/07 | AMEND: 1380.19, 1437.12 | | |
| 10/29/07 | AMEND: 3433(b) | | |
| 10/29/07 | AMEND: 3406(b) | | |
| 10/25/07 | AMEND: 3591.20 (a & b) | | |
| 10/15/07 | AMEND: 3406(b) | | |
| 10/03/07 | AMEND: 3433(b) | | |

Title 4

02/29/08 ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101

01/22/08 AMEND: 8070, 8072, 8073

01/10/08 AMEND: 1632

12/26/07 AMEND: 12002, 12122, 12202, 12203.2, 12222

11/21/07 ADOPT: 12347

11/09/07 AMEND: 1371

10/25/07 ADOPT: 1747, 1748

10/24/07 AMEND: 1486

Title 5

03/03/08 ADOPT: 9510.5, 9512, 9513, 9514, 9525 AMEND: 9510, 9511, 9515, 9516, 9517, 9518, 9519, 9521, 9522, 9523, 9524, 9527, 9528, 9529, 9530 REPEAL: 9517.1, 9520

02/28/08 ADOPT: 11969.10, 11969.11 AMEND: 11969.1, 11969.2, 11969.3, 11969.4, 11969.6, 11969.7, 11969.8, 11969.9

02/25/08 AMEND: 41301

02/22/08 AMEND: 3051.16, 3065

12/20/07 ADOPT: 1202 AMEND: 1200, 1204, 1204.5, 1205, 1207, 1207.1, 1207.2, 1207.5, 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, 1217, 1218, 1219, 1225

11/19/07 ADOPT: 11981.3, 11984.5, 11984.6, 11985, 11985.5, 11985.6 AMEND:

Title 8

03/05/08 AMEND: 1504, 1597

03/05/08 AMEND: 3228

02/29/08 AMEND: 3270

12/31/07 AMEND: 3650

12/28/07 AMEND: 1604.24

12/11/07 ADOPT: 9767.16, 9813.1, 9813.2 AMEND: 9767.1, 9810, 9811, 9812, 9813

12/10/07 ADOPT: 13800

12/04/07 AMEND: 3214, Figure E-1 of 3231, Plate B-17

11/29/07 ADOPT: 33485 AMEND: 32135, 32166, 32500, 32630, 32700, 32781, 32784, 32786, 33480, 61020, 61450, 61470, 61480, 81020, 81450, 81470, 81480, 91020, 91450, 91470, 91480

11/26/07 ADOPT: 392.4 AMEND: 347, 350.1, 355, 359, 359.1, 371.2, 374, 385, 392.5

11/05/07 AMEND: 4324

10/31/07 AMEND: 1704

10/30/07 AMEND: 1532.2, 5203, 5206, 8359

10/23/07 ADOPT: 3324

10/10/07 ADOPT: 5349, 5350, 5351, 5352, 5353, 5354, 5355.1 AMEND: 5355, 5356, 5357, 5358

10/10/07 AMEND: 4884

10/09/07 AMEND: 2320.2

10/03/07 ADOPT: 3458.1

Title 9

02/28/08 ADOPT: 7024.9, 7025.4, 7136.4, 7136.5, 7136.6, 7136.7, 7136.8, 7136.9, 7137, 7138, 7179.4, 7179.5 REPEAL: 7136.5

02/13/08 ADOPT: 3100, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.225, 3200.230,

| | | | |
|-----------------|---|-----------------|---|
| | 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415 | | 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425 and Article 15 text. |
| 12/10/07 | AMEND: 13035 | 12/10/07 | AMEND: 553.70 |
| 12/06/07 | AMEND: 9100 | 12/05/07 | ADOPT: 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, 2174 AMEND: 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136, 2141, Incorporated Test Procedures |
| Title 10 | | 11/09/07 | AMEND: 1968.2, 1968.5, 2035, 2037, 2038 |
| 02/22/08 | ADOPT: 2695.20, 2695.21, 2695.22, 2695.23, 2695.24, 2695.25, 2695.26, 2695.27, 2695.28 | 11/08/07 | AMEND: 423.00 |
| 02/14/08 | ADOPT: 2790.8, 2790.9 | 10/23/07 | AMEND: 156.00 |
| 02/11/08 | AMEND: 5101 | 10/22/07 | AMEND: 1090 |
| 01/14/08 | ADOPT: 2844 AMEND: 2840, 2842 | 10/17/07 | AMEND: 811, 813 |
| 01/08/08 | ADOPT: 2240.5 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4 | 10/16/07 | AMEND: 425.01 |
| 12/27/07 | ADOPT: 1436, 1950.314.8 | 10/15/07 | AMEND: 2023.1, 2023.3, 2023.4 |
| 12/19/07 | AMEND: 2698.82(b), 2698.84, 2698.87, 2698.89.1 | 10/12/07 | AMEND: 1201, 1212, 1212.5, 1213, 1234 |
| 11/30/07 | AMEND: 2699.6611 | Title 14 | |
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| 11/02/07 | AMEND: 2498.6 | 02/13/08 | ADOPT: 704 |
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| 11/29/07 | ADOPT: 1093, 1093.1, 1093.2, 1093.3, 1093.4, 1093.6 AMEND: 895, 895.1, 1037 | 02/15/08 | AMEND: 30, 95, 95.2, 95.6 |
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2.2 to 2.3, renumber Division 2.3 to 2.4,
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5091 (amend and renumber to 5601),
5092 (amend and renumber to 5602),
5093 (amend and renumber to 5603),
5094 (amend and renumber to 5604),
5095 (amend and renumber to 5605),
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